

REMARKS

By this Amendment, claims 1 and 5-9 are amended and claims 2-4 are canceled, without prejudice to or disclaimer of the subject matter found therein. Accordingly, claims 1 and 5-9 are pending in this application. No new matter is added. Reconsideration of the application is respectfully requested.

I. Drawing Objection

The Office Action objects to the drawings as failing to show every feature of the invention specified in the claims. Specifically, the Office Action asserts that a swivel pin arranged above the diodes must be shown or the features canceled from the claims. Claim 4 is canceled rendering the objection moot. Accordingly, withdrawal of the objection is respectfully requested.

II. Specification Objection

The Office Action objects to the specification because of informalities. Specifically the Office Action asserts that the specification fails to provide proper antecedent basis for features of claim 4. Claim 4 is canceled rendering the objection moot. Accordingly, withdrawal of the objection is respectfully requested.

III. Claim Objections

The Office Action objects to claims 1-9 because of informalities. Specifically, the Office Action asserts that the word "LED" should be deleted from claim 1, and the word "are" should be replaced with --is-- in claim 5. Claim 1 is amended to correct the informalities. Claims 5-9 are also amended only to correct informalities, and thus are not narrowed by such amendments. Accordingly, withdrawal of the objection is respectfully requested.

IV. Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-5 and 7-9 under 35 U.S.C. §103(a) over U.S. Patent No. 3,843,878 to Ueda et al. ("Ueda") in view of U.S. Patent No. 6,793,366 to

Chun; and rejects claim 6 under 35 U.S.C. §103(a) over Ueda in view of Chun, and further in view of U.S. Patent No. 2,389,591 to Brown. The rejection is moot with respect to canceled claims 2-4. Thus, Applicants respectfully traverse the rejections of claims 1 and 5-9.

Ueda does not teach or suggest a portable torch including a swivel pin "being arranged under the diodes, and being located at a distance from the window, in the active position and the inactive position of the optical transmission means, that is larger than a distance from the diodes to the window," as recited in independent claim 1.

The Office Action asserts that Ueda teaches a means for modifying a light beam emitted by a light source through a window of a housing, the means comprising an optical transmission means 15 mounted swivingly around a swivel pin 10, 10' to be fixed to a housing and extending substantially parallel to a direction of alignment of the light source. See Figs. 1, 2, 4 and 5. Notwithstanding these assertions, Ueda does not teach or suggest a portable torch including a swivel pin being arranged under the diodes, and being located at a fixed distance from the window, in the active position and the inactive position of the optical transmission means, that is larger than a distance from the diodes to the window, as set forth in claim 1.

Ueda teaches a flash device for a photographic camera including a casing 6 having a square opening 7. See Figs. 2 and 3. Ueda also teaches that a horizontal flash tube 1 and a filter mounted within a filter frame 16 are located within the casing 6. The filter frame 16 may include guide slots 17 that engage guide pins 10 located in upper opposite sides of the casing 6 above the flash tube 1. See Fig. 4, and col. 4, lines 32-36. Alternatively, Ueda teaches that filter frame 16 may include guide pins 10' that engage guide slots 17' located in the casing 6. See Fig. 5. In either embodiment, the filter 15 is disposed above the flash tube 1 and slides outwardly of the casing 6 into a position in which filter 15 covers a light path of light rays projected from the flash tube 1. See Figs. 2 and 3, and col. 4, lines 21-45.

The Office Action admits that Ueda does not disclose a swivel pin of an optical transmission means being placed back from the diodes. However, the Office Action asserts that it would have been an obvious rearrangement of parts to one of ordinary skill in the art to place the swivel pin back from the diodes so that the swivel pin does not obstruct the light from the light source. Applicants respectfully disagree.

Regarding the filter frame 16 shown in Fig. 4, the guide pins 10 are fixed to the casing 6 above the flash tube 1. Ueda teaches that the guide pins 10 are provided on opposite sides of the casing 6 so that the guide slots 17 of the filter frame 16 may be pivoted about the guide pins 10 until the knob 18 of the filter frame 16 is brought into contact with a lower edge of the opening 7. See Fig. 2, and col. 4, lines 36-40. If the swivel pin 10 is placed back from the flash tube 1, the guide slots 17 of the filter frame 16 would be stopped by guide pins 10 at an early stage. As a result, the filter frame 16 could not be completely pulled out from the casing 6 and the filter frame 16 would not be able to pivot about the guide pins 10. Therefore, the filter 15 could not operatively be positioned in the opening 7 of the casing 6.

The mere fact that the swivel pin could be arranged is not sufficient support for a finding of obviousness. See MPEP §2144.04. The prior art must provide a motivation or reason without the benefit of Applicant's specification to make the necessary changes in the reference device.

Because arranging the pivot pin 10 back from the light source would make the filter 15 inoperable for its intended use of covering of the opening 7 for filtering light from the flash tube 1, there would be no motivation for rearranging the location of the guide pins 10 of Ueda, other than impermissible hindsight reasoning.

Regarding the second embodiment of the filter frame 16 shown in Fig. 5, the guide pins 10' are fixed to the filter frame 16 above the flash tube 1. Therefore, the distance of the guide pins 10' from the opening 7 varies between a fully extended position and a retracted

position of the filter 15. In the fully retracted position of the filter 15, the guide pins 10' are located back from the flash tube 1. See Fig. 5. In the fully extended position of the filter 15, the guide pins 10' are located in front of the flash tube 1. Since the positions of the guide pins 10' vary, Ueda does not teach or suggest a swivel pin located below the flash tube 1 and at a fixed distance from the opening 7, in an active position and an inactive position of the filter 15, that is larger than the distance of the flash tube 1 to the window. Therefore, Ueda does not teach a portable electric torch including a swivel pin as set forth in claim 1.

The Office Action also admits that Ueda does not teach or suggest light emitting diodes and a switch to control lighting of the diodes. However, the Office Action asserts that Chun and Brown remedies the deficiencies of Ueda. Notwithstanding these assertions, neither Chun nor Brown remedies deficiencies of Ueda.

Chun teaches a watertight flashlight 10 including LEDs 65 and switch buttons 34, 40. See Fig. 1. Brown teaches a flashlight including a light bulb 15, and retractable color filters 30, 40 that can be slid into position in front of the light bulb 15 to produce color light. See Figs. 1 and 2 and col. 2, lines 44-75.

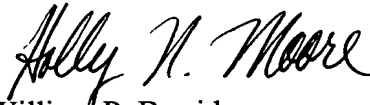
Because Chun and Brown do not make up for the deficiencies of Ueda discussed above, Ueda, Chun and Brown, alone or in combination, would not have rendered obvious the portable electric torch of claim 1. Claims 5-9 depend from claim 1, and thus also would not have been rendered obvious by Ueda, Chun and Brown. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 5-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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